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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

THOMAS M. COULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

PAMELA D. FARMER
8164 Oneil Dr.
Millington, TN. 38053
(Name of plaintiff or plaintiffs)

v.

CIVIL ACTION NO. _____

FED EX EXPRESS
3660 Hacks Cross Road, Bldg F 3rd Floor
Memphis, TN. 38125
(Name of defendant or defendants)

COMPLAINT UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to Title VII of the Civil Rights Act of 1964 for employment discrimination. Jurisdiction is specifically conferred on the Court by 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff, PAMELA D. FARMER
(name of plaintiff)

is a citizen of the United States and resides at 8164 ONEIL DRIVE
(street address)

<u>MILLINGTON</u> (city)	<u>U.S.A.</u> (country)	<u>TENNESSEE</u> (state)
<u>38053</u> (zip code)	<u>901.829.3169</u> (telephone number)	

3. Defendant FedEx Express

(defendant's name)

lives at, or its business is located at 3660 Hacks Cross Rd.

(street address)

Memphis, U.S.A. Tennessee 38125

4. Plaintiff sought employment from the defendant or was employed by the defendant at

3975 Airways Boulevard, module E-2

(street address)

Memphis U.S.A. Tennessee 38132

(city)

(country)

(state)

(zip code)

5. Defendant discriminated against plaintiff in the manner indicated in paragraph 9 of this complaint on or about 12th March 2009

Plaintiff

(day)

(month)

(year)

6. ~~Defendant~~ filed charges against the defendant with the Tennessee Fair Employment Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about NA

(day)

(month)

(year)

7. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission charging defendant with the acts of discrimination indicated in paragraph 9 of this complaint on or about 25th March 2009

(day)

(month)

(year)

8. The Equal Employment Opportunity Commission issued a Notice of Right to Sue, which was received by plaintiff on 3rd Oct. 2011. (Attach a copy of the notice to this complaint.)

(day) (month) (year)

9. Because of plaintiff's (1) ☒ race, (2) ☒ color, (3) ☒ sex, (4) ☒ religion, ☒ Disability, (5) ☒ retaliation national origin, defendant

(a) ☐ failed to employ plaintiff.

(b) ☒ terminated plaintiff's employment.

(c) ☐ failed to promote plaintiff.

(d) ☐

10. The circumstances under which defendant discriminated against plaintiff were as follows: RACE DISCRIMINATION: PLAINTIFF RECEIVED RACIST EMAIL AFTER
VERBALLY COMPLAINING TO MANAGEMENT; COLOR: PLAINTIFF'S WORK
WAS ASSIGNED TO THREE WHITE CO-WORKERS, PLAINTIFF WAS REFUSED
CSA'S TO ASSIST WITH PRODUCTION, MANAGEMENT (DEFENDANT) ALLOWED
WHITE AGENT TO REASSIGN PLAINTIFF'S WORK UNEQUALLY, THEREBY,
NOT ALLOWING PLAINTIFF TO MEET WORK PRODUCTION
DISABILITY DISCRIMINATION: PLAINTIFF HAS MEDICAL ISSUES RELATING
TO THE STRESS FROM THESE DISCRIMINATORY ACTS
RELIGION DISCRIMINATION: IN PREVIOUS YEARS, PLAINTIFF ALLOWED TO
PARTICIPATE IN RELIGIOUS OBSERVANCES BUT WAS DENIED WITHOUT
CAUSATION RE: FEDER RELIGIOUS OBSERVANCE POLICY
RETALIATION DISCRIMINATION: PLAINTIFF WAS HARASSED BY DEFENDANT
AFTER FILING A COMPLAINT, THEREBY, CAUSING A HOSTILE WORKING
ENVIRONMENT, PLAINTIFF ASKED FOR ADDITIONAL WORK - REQUESTS WERE
DENIED - WORK WAS GIVEN TO PLAINTIFF'S CO-WORKERS — SEE ATTACHMENTS

11. The acts set forth in paragraph 9 of this complaint

- (a) ___ are still being committed by defendant.
- (b) ___ are no longer being committed by defendant.
- (c) ☒ may still be being committed by defendant.

12. Please attach to this complaint a copy of the charges filed with the Equal Employment Opportunity Commission, which are submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, Plaintiff prays that the Court grant the following relief to the plaintiff:

- (a) ___ Defendant be directed to employ plaintiff, or
- (b) ___ Defendant be directed to re-employ plaintiff, or
- (c) ___ Defendant be directed to promote plaintiff, or;
- (d) ☒ Defendant be directed to REINSTATE EMPLOYMENT ALLOWING
PLAINTIFF TO RECEIVE EARLY RETIREMENT BENEFITS,
PAY PUNITIVE DAMAGES, PAY DAMAGES FOR PAIN AND SUFFERING

and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

13. I would like to have my case tried by a jury. Yes (☒) No ()

Pamela D. Farmer
 SIGNATURE OF PLAINTIFF

Complaint of Pamela D. Farmer vs. FedEx Express

ATTACHMENT - QUESTION 10

1. FedEx was in violation of their own policy which states - Employees are protected by the company and federal statutes from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in a complaint. FCIS specifically prohibits such actions on the part of its management and other employees.
2. Before the resolution of any discrimination or harassment complaint, an employee may not be involuntarily transferred, reassigned, or subjected to any punitive action without concurrence of the matrix Human Resources management, and Legal Department.
3. My rights were violated based on this information. I spoke to management regarding the discrimination prior to being moved out of my original work group.
4. FedEx was also in violation of its policy regarding the Board of Review, which states, "If an employee is granted a Board Review and is not present for the Board of Review, the case is automatically forfeited unless it is rescheduled by the Administrator due to extenuating circumstances. Management is also required to be present.
5. My rights were violated again based on this information because I was not allowed to attend nor have an open door to discuss the issues at hand.
6. On October 16, 2008, I was sent a racist email.
7. An employee's entire employment history should be taken into consideration. I never had a problem prior to filing a complaint with the EEOC on June 20, 2008. All of my previous performance reviews were excellent. From 2001 through 2007, the lowest rating I received was a 6.7 in 2006.
8. When an employee receives any form of counseling verbal or written, the manager must enter the information into the online Document Compliment/Counseling (OLCC) System in Prism. I had nothing noted in the system prior to me filing my complaint June 20, 2008 with EEOC - the write up in July 2008 was in retaliation.

And if the employee refuses to acknowledge (OLCCACK) prism screen and verify knowledge of the entry a witness (management) must immediately log onto the Prism online to witness the counseling. (Management could have taken this procedure instead of harassing me and affecting my health)
9. A One-On-One is an employee's discussion session regarding general information of certain desires, goals, and aspirations on a personal view.
10. An Execution Review Board was set to review my performance issues on January 22, 2009, which I was not allowed to attend.

11. Management sent me an email July 10, 2008 at 6:06 after hours requesting I meet July 14, 2008 to discuss claims per hour (cph) at 11:00. I responded the next day Friday, July 11, 2008 and asked if someone from the FedEx Legal Department could meet as well, or inform me of my rights, all due to the previous meeting with Kellie and Sue Davis, in which Kellie tried to indicate I was violent and because of the stress and health issues. I also made a request for her to put everything in writing to verify what was going on. (I taped this meeting.)

I requested to dispute the write-ups and the presence of someone from the legal department due to FedEx ethical violations policy which states to report ethical violations and the rules apply for everyone within FedEx.

I could not understand why the OLCC employee history screen is showing I was issued the write-up dated July 8, 2008 stating I was issued the written counseling due to CPH for the month of June. Management conspired to make it appear as if the meeting we had June 3, 2008 that was suppose to have been addressing my concerns was a set up to start a paper trail rather than addressing and correcting the abusive treatment, and refusal of giving me enough work to meet quota all due to retaliation for filing a complaint with the NAACP in December 2007. This is why I was given the expectation letter on June 11, 2008, which I was not in violation of anything listed. Example: my performance review for 2007 was a 6.8 and I had no prior notifications in my file and based on the email dated March 10, 2008 subject being 2008 EEO Race/Ethnicity Survey NAACP put FedEx on notice.

12. January 26, 2009- My manger Kelli Cianciola, sent an email verifying I had issues regarding my email being over quota and this was beyond my control, she also admitted that she refused to give me back out time to clear this matter up.

In this same email, she also admits she refused to give me a CSA and her reason was CSA's required more information. (This reflects direct retaliation. When I was in the special account group, for almost my entire employment, I became an agent in which I had to process DMS claims. In 2003, I processed DMS claims only. In 2006, I processed special accounts, Kinko's research claims, and DMS; therefore, her reasoning was unfounded. I never had a problem and in 2006, my lowest performance review was a 6.7 on a 7 point scale. CSA's are no different than special accounts which management named them in the beginning.)

Also this was not the procedure management followed with Cathy Clark, a caucasian, Senior Cargo Claims Agent in March of 2008. She was given CSA's to help meet goal when the regular claim volume was low.

I sent this email to the Vice President, Casey Zettler, to make him aware again, but nothing was done.

13. On February 3, 2009 - I was struck by a an SUV driven by an employee of FedEx which traumatized me because of the other issues I encountered, and with my tire on my car being cut twice, made me concerned for my safety.
14. Management harassed me after I filed a complaint.
15. Management created the hostile environment.
16. Management refused to give me enough work to meet daily productivity.

17. Management refused to give me CSA's like all my peers to help meet productivity when the regular volume was low or claims could not be closed for credit.
18. Through surveillance, management gated other Agent's calls to come to me for research as a distraction.
19. Management allowed certain co-workers to harass me about their work coming to my desk confronting me and doing nothing.
20. In November 2008, I complained about not being treated fair and not receiving my performance review on time. In December 2008 I was given the review which gave me a very low rating - the date of this review was falsified to read that it was performed in March.
21. I was humiliated and suspended with the reason of the suspension being "I threatened management."
22. I was given a written reprimand when I requested management save a taped call that came in through the "nice system" to show that I was being harassed by internal callers which was part of a conspiracy against me.
23. Management refused me a witness in the meetings to verify the harassment and conspiracy.
24. Management purposely harassed and threatened me by tampering with my computer and sabotaging my work to affect my health through undue stress.
25. Management conspired with FedEx Disability FLMA to prevent me from receiving compensation which they caused by putting me through undue stresses; instead they did everything possible to prevent me from being productive.
26. Management seemed disinterested when I informed them that my automobile tire had been cut twice while I was parked on FedEx property. Secondly, I informed a co-worker that my life had been threatened by a freight truck while driving on Airways Boulevard while leaving work. Thirdly, in February 2009 I was injured in an automobile accident with a fellow FedEx employee who stated (he) "*didn't know what happened in the accident.*" The irony is that FedEx security came to the accident which was "off FedEx property" and the management personnel who stated I threatened her continuously called me and stated that she had come to the accident inquiring "*How I was doing.*" After returning to work after the automobile accident, on Thursday, March 12, 2009 I was informed I was "terminated due to non-production for Friday, March 13, 2009". *Production for Friday, March 13, 2009 was impossible for me to perform being I was terminated the day before, Thursday, March 12, 2009.* I also received written communication from FedEx Human Resources Department that my insurance was canceled effective the date of my termination, Thursday, March 12, 2009. This was ALL a part of their conspiracy.
27. My complaint from the beginning was that management refused to give me enough productive work to meet expected daily goals; thereby, causing my productivity to suffer directly affecting my performance.

28. While management was conspiring to terminate and make job performance harder for Afro-Americans, they were creating positions for Caucasians. Caucasians were placed over certain work groups and given special assignments while certain Afro-Americans were refused the opportunity to bid on open positions. An example is the position created for Rosa Doles, in which the management director stated "she (Rosa) had asked to be demoted." The non-posting of Rosa's open position was unfair to every Afro-American with higher seniority than Rosa. I was targeted because I spoke against the unethical matters that were created and put into place.
29. I sent email communiqué to my immediate manager and the Vice President of FedEx FCIS. I also requested an Open Door and I was refused this due process, as well as, not allowed to attend the board Review Meeting while being harassed and distracted. I was also disallowed to attend meetings when I stated that I was receiving unfair treatment from management of not giving me enough work and being penalized instead of correcting the matter.
30. In December 2007, I filed a complaint with NAACP. On January 11, 2008, Jack Henderson, the Human Resources Representative, requested a meeting with me to address my concerns. (I recorded this meeting due to past history of FedEx EEO Department not addressing issues of discrimination.) Management was promoting Caucasians over Afro-Americans and closing posted job openings stating "they were posted in error no one met qualifications of the open job."
31. Management conspired to sabotage my work, computer and gated other Agent's calls and work to me through surveillance. Management took away my productive work; thereby, giving me research work that could not be closed. This would make my productivity suffer and I would not receive credit. Management had also assigned three (3) functions to me: Special Accounts, Kinko's and DMS Claims.
32. My previous work performance reviews were excellent, such as 6.7, on a scale where the highest performance review score is 7.0.
33. Management later stated that Special Account Group that I was a part of the with Joyce Ervin and Annette Moore no longer had enough work for ALL three (3) of us to meet production. Management also stated that because they had more company seniority, I needed to be moved to another work group; thereby, giving them and the DMS Work Group ALL of my productive accounts. The DMS Work Group already had Special Accounts / CSA's to assist them in making their production when there was not enough regular work and the volume was low. Management stated I couldn't have this type of work knowing that if I was afforded the same opportunity as my peers, I would have been just as productive or produced more given my work history prior to this conspiracy.
34. Every time I complained about my computer not working properly, other Agent's calls were being gated to come to me in a continuous matter - back-to-back calls or the type work assigned to me would be research. Instead of being truthful and handling the matter, management would harass me by stating my production was low and that no one else in the department was experiencing the same issues.

35. Management developed a Peer Coaching Process as a part of their conspiracy to make it appear that if a DMS employee was targeted it would appear as if he was having a problem and this was a tool to help the employee; however, this was not the case. Other groups developed were as follows: EAU Group: consisted of one (1) Afro-American; Sales Assist Group consisted of NO Afro-Americans and the DMS Group: consisted of mostly Afro-Americans while the Caucasians that were in this group were placed over Afro-Americans by way of assisting management or by way of special projects. This group also had NO accountability and consisted of mostly confusion, disarray and work avoidance. I was removed from the Special Accounts Group where I had been a member since becoming an Agent. This group was exempt from the Peer Coaching Process.
36. Due to the hostile environment that was being created for me and the cover-ups, I had to seek medical assistance due to all of the undue stress adversely affecting my health. Management was using the same conspiracy they had used before when I filed my first EEO complaint. Management called one meeting in which I was harassed and singled out for retraining. Management also implied that I was violent. I then requested a witness or a FedEx legal representative to be in ALL other meetings. I was denied. I also requested their concerns be given to me in written form due to my health issues during this time. My request was again denied and I was told I was being insubordinate. These denied requests are attempts of management's continued efforts to grossly affect my health even more. I spoke to Jack Henderson via telephone the same day I received a written reprimand informing him of the conspiracy and I taped the conversation.
37. Before I filed the EEO complaint on June 20, 2008, my record was perfect. I had received several compliments from management and from customers. I received Special Recognition Awards and BZ Checks. I was once awarded Top Producer in the entire department in processing claims - my record speaks for itself!
38. Management manufactured the statistics, if I was lacking in productivity I would have been issued a written reprimand before July 2008.